

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GREGORY SIDDI, JEROME SIDDI and
FREDERIC SIDDI, individually, and as co-
personal representatives, heirs of law, and
successors in interest to the estate of ERNEST
SIDDI, deceased

BEN AHMED MHAMDI, as personal
representative, heir at law, and successor in
interest to the estate of FATIMA HJIAJ,
deceased,

Plaintiffs,

v.

THE BOEING COMPANY, a Corporation;
HONEYWELL INTERNATIONAL, INC., a
Corporation,

Defendants.

No. 08 C 1790

Judge Harry D. Leinenweber

[PROPOSED] ORDER GRANTING AGREED MOTION FOR DISMISSAL

This cause comes before the Court on an Agreed Motion for Dismissal without prejudice by all parties pursuant to Federal Rule of Civil Procedure 41(a)(2). The Court, being fully advised, GRANTS the Motion upon the following terms and conditions:

1. The applicable U.S. statute of limitations for the claims embodied in this lawsuit will be suspended until sixty (60) days after the French Cour de Cassation rules on whether the survivors of the decedents who perished in the January 3, 2004 accident involving Flash Airlines can proceed with their claims against Boeing and Honeywell in France. It is understood, stipulated by the parties, and ORDERED that if the French Cour de Cassation determines that the survivors of decedents who perished in this accident can proceed with their claims against Boeing and Honeywell in France, then plaintiffs here will have the option to file their claims against Boeing and Honeywell in France, but not in the United States District Court for the Northern District of Illinois Eastern Division. It is further understood, stipulated by the parties, and ORDERED that if the French Cour de Cassation determines that the French courts lack

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jurisdiction over the survivors' claims against Boeing and Honeywell, then plaintiffs will be allowed to refile their action in the United States District Court for the Northern District of Illinois Eastern Division, and that neither Boeing nor Honeywell will assert a defense based on the statute of limitations, provided that plaintiffs file their action within sixty (60) days of the date when the Cour de Cassation releases its opinion on the subject of jurisdiction.

This order of dismissal is entered by the Court pursuant to Rule 41(a)(2). Accordingly, and by agreement of the parties, this dismissal is without prejudice, subject to the terms and conditions stated above, and does not activate the "two dismissal" rule contained in

Rule 41(a)(1)(B). *Defendants shall provide Plaintiffs with a copy of the opinion of the Cour de Cassation within 5 days of Defendants' receipt of such opinion.*
 DATED this 11th day of June, 2008.


 HONORABLE HARRY D. LEINENWEBER

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